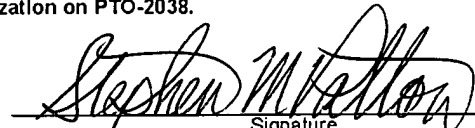


PTO/SB/31 (04-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) 16429	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>2 March 2006</u> Signature <u>Carrie McKay</u> Typed or printed name <u>Carrie McKay</u>		In re Application of Chad Allen Dow	
		Application Number 10/601,511	Filed June 23, 2003
		For Art Unit 3671 Examiner Arpad F. Kovacs	
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.			
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))		\$ <u>500.00</u>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:		\$ _____	
<input type="checkbox"/> A check in the amount of the fee is enclosed.			
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>04-0525</u> . I have enclosed a duplicate copy of this sheet.			
<input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.			
<b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>			
I am the		 Signature	
<input type="checkbox"/> applicant/inventor.		Stephen M. Patton Typed or printed name	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)			
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>36,235</u>		<u>309-765-5543</u> Telephone number	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____		<u>3-2-06</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			

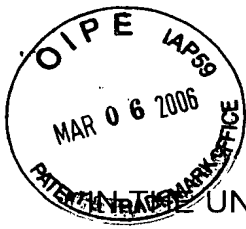
☒ \*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

03/07/2006 HAHMED1 00000023 040525 10601511

01 FC:1401 500.00 DA



PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/601,511 Confirmation No. 9741  
Applicant : Chad Allen Dow  
Filed : June 23, 2003  
  
Art Unit : 3671  
Examiner: : Arpad F. Kovacs  
  
Docket (atty ref.) No. : 16429  
Title : Straw Chopper Blade

Moline, IL 61265

2 March 2006

Commissioner for Patents  
P. O. Box 1450  
Alexandria VA 22313-1450

Appendix to the Notice of Appeal

Sir:

Independent claims 1, 5, and 9 recite a blade that is to be "pendulously attach[ed]" to a "straw chopper" (claim 1) or "rotor" (claims 5, 9), the blade also comprising a "paddle" (claims 1, 5, and 9).

In Gaeddert (USPN 3717062), the single cited Section 102 and 103 reference, a "reversible element 32" is attached "for swinging" to hub 30 of rotor 10 with bolts 58 and nuts 52.

The nuts and bolts attach swinging element 32 to structure 34, which includes a "saddle" 52 and "legs" 56 that are welded to hub 30.

Welded legs 56 diverge as they approach hub 30 to which they are welded in order "to provide a sturdy base for [swinging] element 32. See Gaeddert, column 2, line 55 to column 3, line 19.

In his construction of all claims, the Examiner interprets Gaeddert legs 56 which are bent from saddle 52 and welded to the rotor 10 as the claimed "paddle" of the claimed "blade". The Examiner also interprets saddle 52, which is fixed rigidly to the rotor (via legs 56) and pivotally coupled to element 32 as a part of the claimed blade.

These interpretations are incorrect and will form the primary basis of our appeal brief.

Application No. 10/601,511  
Amendment Dated 3/2/2006  
Reply to Office Action of 12/09/2005

In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.

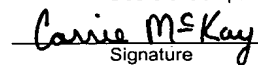
Any fees or charges due as a result of filing of the present paper may be charged against Deposit Account 04-0525. Two duplicates of this page are enclosed.

Respectfully,

  
Attorney for Applicant(s)

Stephen M. Patton  
Reg. No. 36,235  
Patent Department  
Deere & Company  
One John Deere Place  
Moline, IL 61265  
Telephone No. (309) 765-5543

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
on: 2 March 2006  
Date

Deere & Company  
 2 March 2006  
Signature Date